

## STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 26, 2020

COMMONWEALTH OF VIRGINIA, *ex rel.**Document Control Center 03/26/20@4.14 PM*

STATE CORPORATION COMMISSION

CASE NO. PUR-2020-00035

In re: Virginia Electric and Power Company's  
Integrated Resource Plan filing pursuant to  
Va. Code § 56-597 *et seq.*

ORDER GRANTING MOTION

Pursuant to Code § 56-599, Virginia Electric and Power Company ("Dominion" or "Company") is required to file with the State Corporation Commission ("Commission") the Company's Integrated Resource Plan ("IRP" or "Plan") by May 1, 2020. By Order issued on March 9, 2020, the Commission docketed this proceeding and directed Dominion to include certain additional information in its 2020 IRP related to recent legislation. On March 24, 2020, Dominion filed a Motion for Relief from Certain Requirements Contained in Prior Commission Orders and for Limited Waiver of Rule 150 ("Motion"). In the Motion, the Company states that it has identified six requirements set forth in prior Commission orders that the Company considers outdated and no longer relevant to current integrated resource planning analyses.<sup>1</sup> The Company further requests limited waiver of the single-sided printing requirement of Rule 150 of the Commission's Rules of Practice and Procedure,<sup>2</sup> and seeks permission for all paper

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<sup>1</sup> Motion at 2.

<sup>2</sup> 5 VAC 5-20-10 *et seq.* ("Rules of Practice").

documents filed with the Office of the Clerk of the Commission in this docket to use both sides of the paper, including the 2020 Plan.<sup>3</sup>

The first requirement from which the Company seeks relief is contained in the Commission's Final Order on the Company's 2013 Plan and directed the Company's future planning to "take into account the requirements of the Clean Power Plan."<sup>4</sup> The Company states that "[b]ecause the Clean Power Plan is no longer a pending regulation, the Company believes it is no longer necessary or relevant to any planning analyses to account for the requirements of the Clean Power Plan in the 2020 Plan or any future plans."<sup>5</sup>

Next, the Company identifies three requirements related to the development of specific resources that it asserts are no longer necessary. Those specific requirements are as follows:

1. The Final Order on the Company's 2011 Plan directed that the Company's future IRP filings must include "models where North Anna 3 (if included in subsequent IRPs) competes against other resource options."<sup>6</sup>
2. The Final Order on the Company's 2011 Plan also directed that future filings "shall include consideration of non-carbon capture sequestration capable coal resources (as new construction and through the purchase of existing facilities) relative to other technologies included in its busbar screening process."<sup>7</sup>

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<sup>3</sup> Motion at 7-8. The Company requests this limited waiver to the extent it files the 2020 Plan in paper and states that it continues to evaluate the logistics for filing the 2020 Plan in light of the ongoing public health emergency related to COVID-19 and the Commission's recent orders regarding operating procedures. Motion at 8 n.23 (citing *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005, Doc. Con. Cen. No. 200330042, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-10 Emergency (Mar. 19, 2020)).

<sup>4</sup> Motion at 2 (citing *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to § 56-597 et seq. of the Code of Virginia*, Case No. PUE-2013-00088, 2014 S.C.C. Ann. Rept. 301, 303, Final Order (Aug. 27, 2014)).

<sup>5</sup> Motion at 3.

<sup>6</sup> *Id.* (citing *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to Va. Code § 56-597 et seq.*, Case No. PUE-2011-00092, 2012 S.C.C. Ann. Rept. 296, 297, Final Order (Oct. 5, 2012) ("2011 IRP Final Order").

<sup>7</sup> Motion at 4 (citing 2011 IRP Final Order, 2012 S.C.C. Ann. Rept. at 297).

3. The Final Order on the Company's 2015 Plan directed that the Company's future IRP filings include a comprehensive risk analysis to evaluate the risk and impact of constructing significant new natural gas and nuclear power generation.<sup>8</sup>

In support of its request to be relieved of these requirements, the Company states that it has paused material development activities for North Anna 3.<sup>9</sup> It also states that coal without carbon capture sequestration technology is no longer a viable generating resource, and significant build-out of natural gas generation facilities is not currently viable, with the passage by the General Assembly of the Virginia Clean Economy Act of 2020 ("VCEA").<sup>10</sup> The Company states that it will continue to model all reasonable generating resources. Dominion further states that removing the requirement related to a comprehensive risk analysis specifically will relieve the Company of a time- and resource-intensive analysis that is no longer relevant.<sup>11</sup>

Finally, the Company seeks relief from two requirements that are related to specific legislation. First, the Company seeks relief from the requirement of the Final Order on the Company's 2017 Plan to include "detailed plans to implement the mandates contained in [the Grid Transformation and Security Act of 2018 ("GTSA")], as well as plans that comply with all other legal requirements...."<sup>12</sup> The Company states that the VCEA amended Title 56 of the Code

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<sup>8</sup> Motion at 4 (citing *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to Va. Code § 56-597 et seq.*, Case No. PUE-2015-00035, 2015 S.C.C. Ann. Rept. 320, 324, Final Order (Dec. 30, 2015)).

<sup>9</sup> Motion at 4.

<sup>10</sup> *Id.* at 4-5. The VCEA was passed as Senate Bill 851 and House Bill 1526 during the 2020 General Assembly. These bills are awaiting action by the Governor of Virginia.

<sup>11</sup> *Id.* at 5.

<sup>12</sup> *Id.* at 5-6 (citing *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to Va. Code § 56-597 et seq.*, Case No. PUR-2017-00051, 2018 S.C.C. Ann. Rept. 216, 217, Final Order (Mar. 12, 2018)).

and largely incorporates the statutory policies and objectives of the GTSA, and the Commission-required analysis related to the VCEA will include the requirements of all relevant laws, including the GTSA, as now amended by the VCEA.<sup>13</sup>

The second legislation-related requirement from which the Company seeks relief is contained in the Commission's Final Order on the Company's 2018 Plan and specified certain modeling assumptions for solar power purchase agreements ("PPAs") based on particular language in the GTSA.<sup>14</sup> In support of its requested relief, the Company states that while the VCEA did not amend the language of Va. Code § 56-585.1:4 D related to solar PPAs, it added Code § 56-585.5 D, which requires solar generation capacity to be 35% solar PPAs.<sup>15</sup> Accordingly, the Company believes that modeling solar PPAs as 35% of solar generation capacity placed into service will provide a more accurate picture of future solar generation consistent with the VCEA.<sup>16</sup>

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that the Motion shall be granted. Approval of the Company's request for leave to file future IRPs, including its 2020 Plan, without the above listed information does not prohibit this decision from being subsequently revisited if, during the course of this proceeding, or during a future proceeding, the Commission, upon its own motion or at the request of a participant in the

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<sup>13</sup> Motion at 6.

<sup>14</sup> Specifically, the Commission directed that "In future IRPs, Dominion shall, among other things . . . [m]odel solar PPAs as 25% and 50% of the solar generation capacity placed in service under Code § 56-585.1:4." *See Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to Va. Code § 56-597 et seq.*, Case No. PUR-2018-00065, Doc. Con. Cen. No. 190640049, Final Order at 11 (June 27, 2019).

<sup>15</sup> Motion at 7.

<sup>16</sup> *Id.*

case, determines that such information is necessary or relevant. The Commission also grants the Company's request to waive the single-sided printing requirement of Rule 150 of the Commission's Rules of Practice. All paper documents filed with the Office of the Clerk of the Commission in this docket may use both sides of the paper.

Accordingly, IT IS SO ORDERED, and this matter is CONTINUED.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission.